

ZB# 06-43

**Sisters of The
Presentation**

32-2-80

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

August 28, 2006

06-43

Sisters of The Presentation
880 Jackson Ave. (Int./use)
(32-2-80)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 32-2-80

In the Matter of the Application of
SISTERS OF THE PRESENTATION

**MEMORANDUM OF
DECISION GRANTING**

INTERPRETATION

CASE # (06-43)

WHEREAS, Sister Katherine Cleary, Henry Leyens and Wayne Decker represented the , owner(s) of 880 Jackson Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for Interpretation and/or Use Variance to operate a Day Care Center at 880 Jackson Avenue in an R-1 Zone (32-2-80)

WHEREAS, a public hearing was held on August 28, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is used for religious purposes but, is located in a neighborhood which is mixed commercial and residential in an R-1 zone.
 - (b) A pre-school program for handicapped persons is located on the premises which facility and programs have been in existence since the 1970's.

- (c) Prior to the time that the programs came into existence, there was an elementary school and a junior college all on the same premises, all of which were educational institutions as is the existing pre-school.
- (d) Since the handicapped pre-school program has been in existence there have been no complations, either formal or informal, about the program.
- (e) The applicant proposes no changes to the structure or use.
- (f) The property has been owned by the Church continuously since its earlier uses and remains property owned bythe Church.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The premises is used for an educational purpose and has been continuously used for educational purposes since before the enactment of zoning.
2. The use of the property to conduct a pre-school for handicapped persons is an allowed use of the property since such use predates the existence of zoning in the Town of New Windsor and has been continuously operated as such prior to the enactment of zoning.
3. The use of the property for the conduct of a pre-school educational program is authorized and allowable under the laws of the Town of New Windsor and is a lawful use of the property.

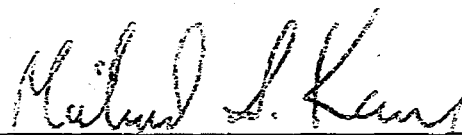
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for Interpretation and/or Use Variance to operate a Day Care Center at 880 Jackson Avenue in an R-1 Zone (32-2-80) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 28, 2006



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: May 31, 2006

APPLICANT: Sisters of the Presentation
880 Jackson Avenue
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 31, 2006

FOR : Sisters of the Presentation

LOCATED AT: 880 Jackson Avenue

ZONE: R-1 Sec/Blk/ Lot: 32-2-80

COPY

DESCRIPTION OF EXISTING SITE: 12 Classroom Day Care

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. **INTERPRETATION AND/OR USE VARIANCE TO OPERATE A DAY CARE IN AN R-1 ZONE.**

Michael Babcock /vm
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

MAY 31 2006

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 1A-2006-548

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises SISTERS OF THE PRESENTATION

Address 880 JACKSON AVE, NEW WINDSOR, NY 12552 Phone # 564-0597

Mailing Address SAME 899-3249
Fax # VOICE PAGER HANK

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. S. Catherine Cherry - President
(Name and title of corporate officer)

1. On what street is property located? On the South side of Route 207
(N,S,E or W)
and 600 feet from the intersection of Route 207 and Jackson Ave
2. Zone or use district in which premises are situated NC Is property a flood zone? Y N ✓
3. Tax Map Description: Section 32 Block 2 Lot 80
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Day Care b. Intended use and occupancy Day Care
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other
6. Is this a corner lot? _____
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use 12
Day Care
10. Estimated cost _____ Fee _____

ZONING BOARD

PAID
Ch # 496
\$50.00

/ /
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

St. Catherine Cleary
(Signature of Applicant)

880 Jackson Ave. New Windsor, N.Y.
(Address of Applicant)

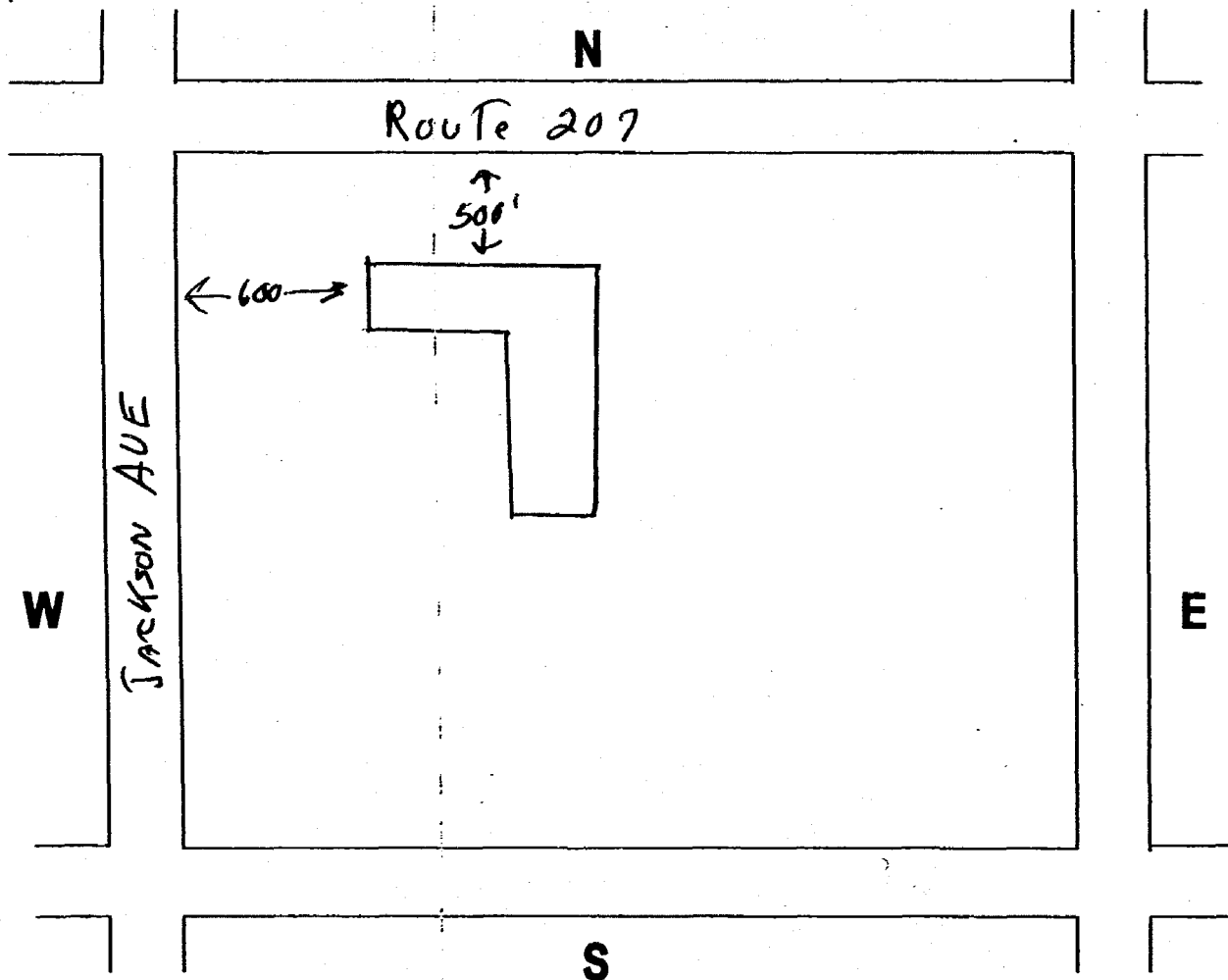
St. Catherine Cleary
(Owner's Signature)

880 Jackson Ave. New Windsor, N.Y.
(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: OCTOBER 24, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 356.29 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-43

NAME & ADDRESS:

**Sisters of the Presentation
880 Jackson Avenue
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.10-24-06



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-43

TYPE: INTERP. AND/OR VARIANCE

TELE:

564-0513

APPLICANT:

Sisters of the Presentation
880 Jackson Avenue
New Windsor, NY 12553

attn: Wayne Decker & Hank Leyen

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # <u>54096</u>

ESCROW: COMMERCIAL \$500.00 CHECK # 54095

~~~~~

| <u>DISBURSEMENTS:</u> |  | <u>MINUTES</u>       | <u>ATTORNEY</u> |
|-----------------------|--|----------------------|-----------------|
|                       |  | <u>\$7.00 / PAGE</u> | <u>FEE</u>      |

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>4</u> | PAGES | \$ <u>28.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | ___      | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>5</u> | PAGES | \$ <u>35.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | ___      | PAGES | \$ _____        | \$ _____        |

LEGAL AD: Publish Date: 08-08-06 \$ 10.71

TOTAL: \$ 73.71 \$ 70.00

~~~~~

ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 143.71

AMOUNT DUE: \$ _____

REFUND DUE: \$ 356.29

Cc:

L.R. 10-24-06



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
9/12/2006	8195

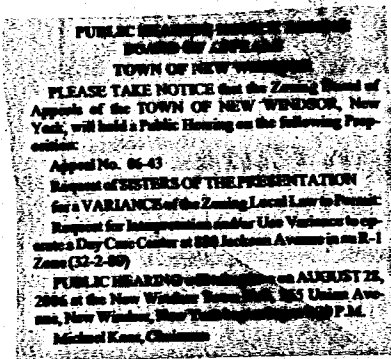
Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

MM

P.O. No.	Terms	Project
45918	Due on receipt	

Issue Date	Description	PCS/Units	Amount
8/8/2006	LEGAL ADS: SISTERS OF THE PRESENTATION 1 AFFIDAVIT	6.71 4.00	6.71 4.00
		RECEIVED OCT 2 2006 TOWN OF NEW WINDSOR CONTROLLERS OFFICE	
		Total	\$10.71

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218



State of New York
County of Orange, ss:
Patricia Quill being duly
sworn disposes and says that she is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company, Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published IX
in said newspaper, commencing on
the 8 day of Aug A.D., 2006
and ending on the 8 day of Aug
A.D. 2006

Patricia Quill

Subscribed and shown to before me
this 18th day of Sept, 2006

Deborah Green

Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984085
Commission Expires July 15, 2007

My commission expires _____



RESULTS OF Z.B.A. MEETING OF: August 28, 2006

PROJECT: Sisters of The Presentation ZBA # 06-43
P.B.# _____



USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) LL S) G VOTE: A _____ N _____

GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

CARRIED: Y _____ N _____

Has been a school since 1920's

SISTERS_OF_THE_PRESENTATION_(06-43)

Mr. Wayne Decker and Mr. Henry Leyen appeared before the board for this proposal.

MS. GANN: Request for interpretation and/or use variance to operate a day care center at 880 Jackson Avenue.

MR. DECKER: Wayne Decker, AHRC, that stands for Association for the Help of Retarded Citizens. We have operated a pre-school program at this site for over 20 years, other organizations have operated school aged programs at the same site. A recent change in the state law has required us to get a daycare license for our pre-school program and that's because most of our pre-school serves three and four year olds, most three and four year olds go to pre-school for half a day. Because of the needs of our folks who are disabled in various ways, they require a full day program. The state law has changed to say that if a three or four year old is in a full day pre-school program it is to be considered daycare. Nothing about the program that we have operated for 20 years will change. The age of the children will be the same the program will be the same. The only difference is we'd have to have a daycare license, we'd have to do a couple of improvements to the building. We had to upgrade our fire alarm, put an additional, a second handicapped access ramp in and needless to say a whole lot of paperwork for those folks, but that's really the only difference. So the impact to the site would be no additional impacts at all, be exactly the same, the buses coming and going, the transportation would all be the same because it's all the same.

MR. KRIEGER: Now you've said before there were other school aged programs run on the site?

MR. DECKER: There currently are, there are currently

three different programs.

MR. KRIEGER: Were there programs run on the site before you? You've been there 20 years?

MR. LEYENS: Sisters of the Presentation had a school for the nuns and when they came in and went to school there and learn to become a nun and that building was always used for that and then it was, you know, there was a switch-over because they didn't get enough nuns, they started to rent out the space to AHRC and it's been used as a school. That's about it. Henry Leyens, I'm maintenance supervisor for the Sisters of the Presentation, I represent the Sisters of the Presentation.

MR. KRIEGER: As I understand it and Mike will correct me if I'm wrong, the problem is that this is not according to the Town Code an allowed use for this particular zone.

MR. BABCOCK: That's correct.

MR. KRIEGER: If however it has been, you can show that it's been a continuous use of some kind of school, I don't care whether it's your school, that's why I asked those questions since before zoning was enacted and it became effective January 1, '66, I believe.

MR. BABCOCK: That's correct.

MR. KRIEGER: If it's been continuously operated that way since before zoning was enacted then you're in essence grandfathered in, even though your school would not be allowed if it were new, it's not new, that's why the interpretation portion is there. If you failed in the interpretation and you had to go for a use variance that's a very legally speaking state legislature has made that a very difficult thing for people to get. They want, there are many members of the legislature

wanted to make it impossible but they just made it extremely difficult. When this was discussed with me by the Town attorney prior to this, I suggested that it be put on for an interpretation for that reason that I said to you. At the time of the public hearing the burden of proof will be on you to show that it's been continuously used since before '66, that closes out the question, you don't need a use variance then and but that's what you're going to have to do between now and then and what level of proof the board will accept is ultimately up to the members of the board who are sitting that evening but they empowered legally to accept testimony. They sometimes accept the testimony that's sometimes in the past they have accepted it by affidavit testimony which is better so if you have somebody who can say yeah, it's been operated that way continuously, I assume you have available persons whose credibility would be high, so I would suggest that that testimony would probably be accepted but I can't speak for the board as to what's acceptable or not. I can just outline for you the legal requirements that you have to meet.

MS. GANN: Make sense?

MR. DECKER: Absolutely.

MS. GANN: Any other questions from the board? I'll accept a motion.

MR. LUNDSTROM: Madam Chairwoman, I will offer a motion that the application of Sisters of the Presentation be allowed to proceed to a public hearing regarding a request for interpretation and/or use variance to operate a daycare center at 880 Jackson Avenue in an R-1 zone.

MR. TORPEY: Second it.

ROLL CALL

July 10, 2006

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MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. GANN	AYE

MR. KRIEGER: I might say in passing this is an example of why the Zoning Board of New Windsor, this has been true for many, many, many years has two hearings, both a preliminary and a public, by law everything has to be done at a public hearing, but they ask people to come in for a preliminary, not strictly speaking legally required because they want to know if there are any problems or what needs to be done. Your application is a classic example of that because had you not been here at the preliminary, had I not explained to you what your situation was, you might not have been prepared at the time of the public hearing which in many towns is, that's the public hearing, if you fail, you fail, so there's no surprises. The object of this is to avoid surprise both for the applicant and the board.

MR. TORPEY: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. GANN	AYE

SISTERS_OF_THE_PRESENTATION_(06-43)

MR. KANE: Request for interpretation and/or use variance to operate a day care center at 880 Jackson Avenue. Good evening, just need you to state your names as you speak so the young lady over there can hear you.

SISTER CLEARY: Sister Catherine Cleary.

MR. LEYEN: Henry Leyen.

MR. DECKER: Wayne Decker.

MR. KANE: Tell us what you want to do.

MR. DECKER: I'm with AHRC, we operate pre-school programs at the site, other organizations of other age groups of education sites, education programs at the site and a recent change in the New York State Education Law requires us to become licensed as a daycare for our pre-school program and that's just because our pre-school program happens to be a 5 hour day. The people we serve are handicapped and need that level of therapy and instruction each day. And the law says that if you provide pre-school for longer than 2 1/2 hours a day you also have to be licensed as a daycare. And so that's what brought this issue before you tonight. What we're doing at the site is not changing, none of the programs at the site are doing anything different than they have been doing for the past 20 years and for that matter I guess we're asking for an interpretation here to demonstrate that the site has actually been home to educational programs preceding the Town's zoning and so Sister Catherine can explain that for us.

SISTER CLEARY: And we'd like to keep the education on the present property so we would really hope that this would continue and that this would be granted.

MR. KANE: When did the pre-school programs start?

SISTER CLEARY: Started in the '70s.

MR. DECKER: Our programs started 20 years ago.

MR. KANE: When did the educational programs start?

MR. DECKER: You had educational programs.

SISTER CLEARY: We had them that started in the last 1920's, we had an elementary school and then we had a junior college that trained sisters and in a sense was a community college.

MR. KANE: And it has been used for various educational purposes since that period continuously?

SISTER CLEARY: Yes.

MR. KRIEGER: And you know this of your own knowledge?

SISTER CLEARY: Yes, history, too.

MR. KRIEGER: Your own knowledge supplemented by church records?

SISTER CLEARY: Yes and the school records.

MR. KANE: So there are school and church records to back up your statements?

SISTER CLEARY: Right, both schools didn't go out until the 1970's they switched over so they have been there.

MR. KANE: Have you had any complaints about the school in all these years?

SISTER CLEARY: No, we have only had positives in

regard to it.

MR. KANE: At this point, I will ask if there's anybody in the audience for this particular hearing? Seeing as there's not, we'll open and close the public portion of the meeting, ask Myra how many mailings we had.

MS. MASON: On August 7, I mailed out 31 addressed envelopes and had no response.

MR. BABCOCK: Mr. Chairman, can I add one thing? We have known about this school there since '85, we have inspected it since '85, the only thing that triggered this is the daycare license requires them to get a letter from me saying they're within the zoning in that district and that's what created this whole thing. So I have to write a letter to them for them to be there only because now they're considered a day school daycare because of the 5 hour thing, it's the only reason and I need something saying that they received the approval at tonight's meeting or whatever meeting therefore they can remain.

MR. KANE: Let me put it to the board, my own feeling is that we should address this as an interpretation, I don't see the need to go to the use variance but that's my feeling on it.

MS. GANN: I agree.

MR. TORPEY: This is only for Mike to give them a letter.

MR. KANE: Correct, it's not going to change, they're not changing anything that they have been doing over the years.

MR. BABCOCK: It's just who ran it, I think that's the difference in what's happening right now. In the 1920's the church ran it and the church is permitted to

be there and educational programs are permitted to be there and there's never been a question. The daycare is questionable, okay, because it's not the church that's actually running the daycare, it's somebody that they're renting to.

MR. KANE: Still though we've had the educational process there predating zoning, zoning being in like 1966?

MR. BABCOCK: That's correct.

MR. KRIEGER: If I may, let me ask you a question, you're renting this property?

MR. DECKER: Yes.

MR. KRIEGER: And it's owned by the church, it's been continuously owned by the church throughout, still owned by the church?

SISTER CLEARY: Yes.

MR. BABCOCK: Yes.

MR. LUNDSTROM: Just a question for counsel. Should we be looking at an interpretation or use variance?

MR. KRIEGER: Use interpretation and you should decide an interpretation before you decide and only if you decline the requested interpretation should you proceed to a use variance, take care of the interpretation first.

MS. LOCEY: What are we interpreting?

MR. KRIEGER: The use of the property pre-exists the enactment of zoning and is permitted to continue.

MR. LUNDSTROM: If I could put those words into the

August 28, 2006

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form of a motion, I will do so.

MS. GANN: I will second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

SISTERS OF THE PRESENTATION

#06-43

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 7TH day of AUGUST, 2006, I compared the 31 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason
Myra L. Mason, Secretary

28th day of August, 2006

Rita R. DiStefano

Notary Public

LISA R. DISTEFANO
Notary Public, State Of New York
No. 01DI6050022
Qualified In Orange County
Commission Expires 10/30/16

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

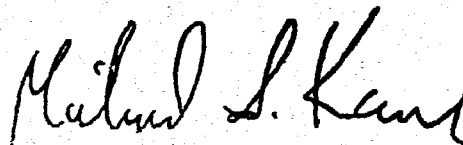
Appeal No. 06-43

Request of SISTERS OF THE PRESENTATION

for a VARIANCE of the Zoning Local Law to Permit:

Request for Interpretation and/or Use Variance to operate a Day Care Center at 880 Jackson Avenue in an R-1 Zone (32-2-80)

PUBLIC HEARING will take place on AUGUST 28, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

July 13, 2006

Sisters of the Presentation
880 Jackson Ave.
New Windsor, NY 12553

Re: 32-2-80

ZBA#: 06-43 (31)

Dear Sisters:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00 minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

2-1-32 & 32-2-52
NEW YORK CITY DEPT. OF E P
465 COLUMBUS AVE. SUITE 350
VALHALLA, NY 10595

2-1-33
WASHINGTONVILLE CENTRAL
SCHOOL DISTRICT /ACCT. DEP
52 W. MAIN ST.
WASHINGTONVILLE, NY 10992

3-1-54.2 & 3-1-55.22
FIRST COLUMBIA /K. BETTE
22 CENTURY HILL DR.
SUITE 301
LATHAM, NY 12110

54-2-10
ADC WINDSOR INC.
198 BOWER RD.
POUGHKEEPSIE, NY 12603

32-1-11.31
JOHN C STEINBERG, JR.
1 LENAPE LANE
SALISBURY HILLS, NY 12577

32-1-12
RICHARD & LINDA OSTNER
66 UNION AVE.
NEW WINDSOR, NY 12553

32-2-4 & 3-1-63.2
NYS DOT C/O C. BOORN
BLDG 5 ROOM 401 STATE CAMPUS
ALBANY, NY 12232-0745

32-2-7
CENTRAL HUD C/O TAX DEPT.
284 SOUTH ROAD
POUGHKEEPSIE, NY 12602

32-2-8
KABOOM REALTY, LLC
470 LITTLE BRITAIN RD.
NEWBURGH, NY 12550

32-2-9.1 & 32-2-9.2
HERBERT MASON
120 MT. AIRY RD.
NEW WINDSOR, NY 12553

32-2-9.3
ERIC & MYRA MASON
67 BETHLEHEM RD.
NEW WINDSOR, NY 12553

32-2-10.3 & 32-2-10.42
PETER & SOPHIA KARNAVEZOS
150 MT. AIRY RD
NEW WINDSOR, NY 12553

32-2-66
MT AIRY, LLC/ JOSEPH PAMERONE
MGR
70 TAYLORS WAY
NEWBURGH, NY 12550

32-2-70
HAROLD BAXTER, JR.
505 JACKSON AVE
NEW WINDSOR, NY 12553

32-2-76 & 32-2-77
JOYCE ORR
770 JACKSON AVE.
NEW WINDSOR, NY 12553

32-2-78.1
GEORGE TUBBS, JR.
776 JACKSON AVE.
NEW WINDSOR, NY 12553

32-2-78.2
MARGARET, ANTHONY, FRED FAYO
308 BULL RD
WASHINGTONVILLE, NY 10992

32-2-81
HENRY & NANCY SPECHT
511 LAKE RD.
NEW WINDSOR, NY 12553

32-2-82
LYNN & LIDUVINA BEESECKER
118 WEEKS AVE.
CORNWALL ON HUD., NY 12520

32-2-83.1
ANGELO SAKADELIS
445 TOLEMAN RD
ROCK TAVERN, NY 12575

32-2-83.2 & 32-2-84
BUILDERS ASSO. OF HUD VALLEY
INC.
1161 LITTLE BRITAIN RD
NEW WINDSOR, NY 12553

32-2-105.3
JEAN & CALVINO ROTTINGER &
ANTOINETTE LANCASTER
387B MT. AIRY RD.
NEW WINDSOR, NY 12553

33-1-1.2 & 33-1-3.2 & 33-1-4.2
COSIMO DIBRIZZI
1089 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

33-1-2.1
DIBRIZZI FAMILNY REALTY INC.
647 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

33-1-11
DONALD AYERS & DONNA COVELLO
111 MT. AIRY RD.
NEW WINDSOR, NY 12553

33-1-12
DANIEL & KIM MARSHALL
7 POPLAR ST.
CORNWALL, NY 12518

33-1-13
DALILA CHRISTOFORIDIS
6 OXFORD RD.
NEW WINDSOR, NY 12553

33-1-14
DAVID OGDEN
4 ELIZABETH LN.
NEW WINDSOR, NY 12553

33-1-23
SAM IANNOLO, JR.
5 ELIZABETH LN.
NEW WINDSOR, NY 12553

33-1-24
DOUGLAS & JOANN CAREY
3 ELIZABETH LN.
NEW WINDSOR, NY 12553

33-1-25

PAUL & ANGELA BARBERO

1 ELIZABETH LN.

NEW WINDSOR, NY 12553



RESULTS OF Z.B.A. MEETING OF:

July 10 2006

PROJECT: Sisters of the Presentation

ZBA # 06-43

P.B.# _____

USE VARIANCE:

NEED: EAF _____

PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LUNDSTROM _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LUNDSTROM _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LUNDSTROM _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LUNDSTROM _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) 14 S) 1

VOTE: A 3 N 0

GANN A

LUNDSTROM A

~~LOCEY~~

TORPEY A

~~KANE~~

CARRIED: Y ☒ N _____

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED:

M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LUNDSTROM _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

Show it was a school prior to 1966

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

July 5, 2006

Sisters of the Presentation
880 Jackson Avenue
New Windsor, NY 12553

attn: Wayne Decker & Hank Leyen

SUBJECT: REQUEST FOR VARIANCE #06-43

Dear Sirs:

This letter is to inform you that you have been placed on the July 10th, 2006 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Sisters of the Presentation
880 Jackson Avenue
New Windsor, NY 12553

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#551-2006

07/06/2006

Sister Of The Presentation [#]ZBA 06-43

Received \$ 150.00 for Zoning Board Fees, on 07/06/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 07-05-06

FOR: ESCROW 06-43

FROM:
Sisters of the Presentation
880 Jackson Avenue
New Windsor, NY 12553


CHECK FROM:
SAME

CHECK NUMBER: 54095

TELEPHONE: 564-0513

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

 _____ NAME	<u>7/6/06</u> _____ DATE
--	--------------------------------

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

6/12/06

Date

Application Type: Use Variance ☒ Area Variance ☐
Sign Variance ☐ Interpretation ☒

I. Owner Information:

SISTERS of The Presentation
(Name)

Phone Number: (914) 564 0513

Fax Number: ()

880 Jackson Ave New Windsor NY 12553
(Address)

II. Applicant:

Same as above
(Name)

Phone Number: ()

Fax Number: ()

(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()

Fax Number: ()

(Name)

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()

Fax Number: ()

(Name)

(Address)

V. Property Information:

Zone: R-1 Property Address in Question: 880 Jackson Ave

Lot Size: Tax Map Number: Section 32 Block 2 Lot 80

- a. Is pending sale or lease subject to ZBA approval of this Application? No
b. When was property purchased by present owner? 1921
c. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No

******PLEASE NOTE:*******

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section 300 R1, Table of USE/BULK Regs., Col. B.

Describe proposal:

That "DAY CARE" be a "USE BY SPECIAL PERMIT" in addition to the other EDUCATION & Pre-school USES on this site.

ATHRC has operated a Pre-school on this site for more than 20 years. Recent changes in NYS Regulations require this program to be licensed as a DAY CARE program in addition to the Pre-school license. This is because the children are in program for 5 hours per day. The DAY CARE license is needed when the program is longer than 2 1/2 hours. The number of children and the ages of the children will not change. The program will continue to operate EXACTLY as it does now.

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

Without the DAYCARE license the school program would have to be reduced to 2 1/2 hours per day. The special needs of these disabled children require a full 5 hour day. The reduction would be a hardship for the program, the children and their families.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

This variance will not change the actual use of the property. (It is only a change in our license). There will be no change or impact on the neighborhood. This license change is required by the state in order to maintain our current operation.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section Ch 300 R-1

- (b) Describe in detail the proposal before the Board:

THAT "DAYCARE" BE A "USE BY SPECIAL PERMIT" IN addition
TO THE other EDUCATION AND Pre school uses ON THIS site.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

There will be no changes in the use of this site, only a
change in the operating license.

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
 - ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

16th day of JUNE 2006.

Sr. Catherine Cleary

Owner's Signature (Notarized)

SR. CATHERINE CLEARY

Owner's Name (Please Print)

Ann M. Bewick
Signature and Stamp of Notary

ANN M. BEWICK
Notary Public State of New York
No. 01BEC128431
Qualified in Orange County
My Commission Expires 6/13/09

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Sister of the Presentation, deposes and says that he resides
(OWNER)
at 880 Jackson Avenue in the County of Orange
(OWNER'S ADDRESS)
and State of New York and that he is the owner of property tax map
(Sec. 32 Block 2 Lot 80)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he authorizes:

Henry Lyeen

(Applicant Name & Address, if different from owner)

882 Jackson Ave New Windsor NY 12553

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: _____

Sworn to before me this:

16th day of June 2006

ANN M. BEWICK

Notary Public State of New York

No. 01886128431

Qualified in Orange County

My Commission Expires 6/13/09

Ann M. Bewick

Signature and Stamp of Notary

**

S. Catherine Chouy

Owner's Signature (MUST BE NOTARIZED)

Mr. Henry

Applicant's Signature (If different than owner)

Henry Lyeen

Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>SISTERS OF THE PRESENTATION</u>		2. PROJECT NAME <u>AHRC DAY CARE</u>	
3. PROJECT LOCATION: Municipality <u>NEW WINDSOR</u> County <u>ORANGE</u>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>880 Jackson Ave AT The INTERSECTION WITH Rt 207.</u>			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <u>ADDING A DAY CARE LICENSE TO AN EXISTING Pre-school program.</u>			
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <u>Seeking AN INTERPRETATION OR VARIANCE</u>			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <u>NYS Department of Education AND NYS office of Children AND FAMILY Services.</u>			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: _____		Date: <u>June 20, 2006</u>	
Signature: <u>Henry Leyen</u>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If No, a negative declaration may be superseded by another involved agency.</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>	
<p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly</p>	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>_____ Name of Lead Agency</p>	
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (If different from responsible officer)</p>
<p>_____ Date</p>	



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.)**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR FURTHER INSTRUCTIONS.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

WHEN YOU COME IN WITH YOUR ENVELOPES, PLEASE ALLOW TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR INSTRUCTIONS ON COMPLETION. PLEASE ALLOW YOURSELF TIME TO PUT THE NOTICES IN THE ENVELOPES WHILE HERE, THEN YOU WON'T HAVE TO RETURN AGAIN.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.